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20 —oo—

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA

23 —oo—

24 SHANNON GALLAGHER, et al.,
25 Plaintiffs,
vs.
COUNTY OF SAN MATEO, et al.,
Defendants.

CASE NO: C 04-0448 SBA

**PLAINTIFF'S MISCELLANEOUS
ADMINISTRATIVE REQUEST FOR
LEAVE TO FILE UP TO A 20 PAGE
REPLY BRIEF TO DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION
FOR CLASS CERTIFICATION;
DECLARATION OF MARK E. MERIN;
ORDER
[Local Rule 7-11]**

DATE: June 7, 2005
TIME: 1:00 p.m.
CTRM: 3
JUDGE: Hon. Saundra Brown Armstrong

26 **REQUEST FOR LEAVE TO FILE UP TO A 20-PAGE REPLY BRIEF**

27 Plaintiff requests leave of Court to file up to a 20-page brief in reply to defendants'
28 opposition to plaintiff's motion for class certification. This request is based on the necessity to

1 address fully the issues that defendants have raised in their 25-page opposition to plaintiff's
2 motion for class certification, including new issues such as the following:

3 1. The applicability of the Prison Litigation Reform Act;

4 2. The number of persons required in a class to meet numerosity requirements;

5 3. Whether plaintiff has satisfied each and every requirement of 23(a) and 23(b) of the Rules

6 for class certification, including, e.g., typicality, commonality, manageability, and

7 superiority of the class action procedure.

8 Plaintiff has attempted to address these issues within the Court's 15-page limit, but has
9 been unable to do so while also discussing the basic class certification criteria under Rule 23.
10 Plaintiff therefore requests leave to file up to a 20-page reply to defendants' opposition brief.

11 || DATED: May 20, 2005

Respectfully submitted,

LAW OFFICE OF MARK E. MERIN
CASPER MEADOWS & SCHWARTZ

/s/

BY:

Mark E. Merin
Attorney for Plaintiff

**DECLARATION OF MARK E. MERIN IN SUPPORT OF PLAINTIFF'S
MISCELLANEOUS ADMINISTRATIVE REQUEST FOR LEAVE TO FILE
UP TO A 20 PAGE REPLY BRIEF TO DEFENDANTS' OPPOSITION
TO PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

I, Mark E. Merin, do declare and say:

20 1. I am an attorney licensed to practice in the State of California and admitted to
21 practice before all of the District Courts in California, the Ninth Circuit Court of Appeal and U.S.
22 Supreme Court. My firm is the Law Office of Mark E. Merin.

23 2. This firm represents named plaintiff in this action in association with Casper,
24 Meadows & Schwartz.

25 3. On May 20, 2005, I attempted to contact defendants' counsel, Carol Woodward,
26 to try and reach an agreement to file a stipulation allowing plaintiff to file a reply brief in excess
27 of 15 pages. Since I have not received a return call from Ms. Woodward, I am filing this Request
28 for Leave to file up to a 20 page Reply Brief.

1 4. I have been diligently working on drafting plaintiff's reply to defendants'
2 opposition to plaintiff's motion for class certification since it was received at 5:27 p.m. by ECF
3 Service on May 17, 2005, and was unaware until today that plaintiff's reply would require pages
4 in excess of 15. Pursuant to Judge Armstrong's Standing Order regarding Motions, a request to
5 exceed the page limitations must be submitted to the court seven (7) days prior to the filing of the
6 motion (brief), or in this case, a request to exceed the page limitation should have been filed with
7 the court by Tuesday, May 17, 2005. There was no way plaintiff's counsel could have known as
8 of May 17, 2005, they would be exceeding the page limitation on their reply brief or that they
9 would need to file a request to exceed the page limitation as of that date. In addition, having
10 received defendants' opposition brief after close of business on May 17, 2005, it would have
11 been impossible for plaintiff to file a request to exceed page limitation in a timely manner.

12 5. Plaintiff's reply brief will provide the court with the facts and applicable law
13 necessary to make its decision and plaintiff's should be permitted to file a reply brief up to 20
14 pages.

15 I declare under penalty of perjury under the laws of the State of California that the above
16 is true and correct and that this declaration was executed this 20th day of May 2005, at
17 Sacramento, California.

/s/
MARK E. MERIN

ORDER GRANTING LEAVE TO FILE UP TO A 20-PAGE REPLY BRIEF

FOR GOOD CAUSE APPEARING, plaintiff's request to file up to a 20-page brief in reply to defendants' opposition to plaintiff's motion for class certification is GRANTED. Plaintiff may file a brief not to exceed 20 pages.

IT IS SO ORDERED

25 || Dated: 5-27-05

/s/ Saundra Brown Armstrong
HON. SAUNDRA BROWN ARMSTRONG
U.S. District Court Judge, Northern District